

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	File No. EB-08-TC-5142
	)	
Visionary Communications, Inc.	)	NAL/Acct. No. 200932170689
	)	
Apparent Liability for Forfeiture	)	FRN: 0018092593
	)	

**ORDER**

**Adopted: September 1, 2009****Released: September 1, 2009**

By the Acting Chief, Enforcement Bureau:

1. In this Order, we cancel a proposed forfeiture in the amount of twenty thousand dollars (\$20,000) issued to Visionary Communications, Inc. ("Visionary"). On February 24, 2009, the Bureau issued to Visionary a *Notice of Apparent Liability for Forfeiture* ("*Omnibus NAL*")<sup>1</sup> based on Visionary's apparent violation of section 222 of the Communications Act of 1934, as amended (the "Act"),<sup>2</sup> section 64.2009(e) of the Commission's rules,<sup>3</sup> and the Commission's *EPIC CPNI Order*<sup>4</sup> by failing to timely file an annual compliance certification with the Bureau.

2. Upon review of the record, and based on additional information provided by Visionary, we agree with Visionary that it was not required to file a CPNI certification for calendar year 2007. Visionary is not a telecommunications carrier, and had no telecommunications customers during the 2007 calendar year. Accordingly, we find that Visionary did not violate section 222 of the Act,<sup>5</sup> section 64.2009(e) of the Commission's rules,<sup>6</sup> or the Commission's *EPIC CPNI Order*. Consequently, we conclude that no forfeiture should be imposed.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 503(b) of the Communications Act of 1934, as amended ("Act"), and sections 0.111, 0.311 and 1.80(f) (4) of the Commission's rules, that the proposed forfeiture in the amount of twenty thousand dollars (\$20,000)

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<sup>1</sup> *Annual CPNI Certification*, Omnibus Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 2299 (Enf. Bur. 2009) ("*Omnibus NAL*").

<sup>2</sup> 47 U.S.C. § 222.

<sup>3</sup> 47 C.F.R. § 64.2009(e).

<sup>4</sup> *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, CC Docket No. 96-115; WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927, 6953 (2007) ("*EPIC CPNI Order*"); *aff'd sub nom. Nat'l Cable & Telecom. Assoc. v. FCC*, No. 07-132, (D.C. Cir. decided Feb. 13, 2009).

<sup>5</sup> 47 U.S.C. § 222.

<sup>6</sup> 47 C.F.R. § 64.2009(e).

issued to Visionary Communications, Inc. in the February 24, 2009 *Omnibus Notice of Apparent Liability for Forfeiture* **IS CANCELLED**.

4. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Visionary, to its attorney of record, attn: Thomas K. Crowe, 1250 24<sup>th</sup> Street, NW, Suite 300, Washington, DC 20037.

FEDERAL COMMUNICATIONS COMMISSION

Suzanne M. Tetreault  
Acting Chief, Enforcement Bureau